

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

March 5, 2014

Mr. Robert H. Robinson
4 Hillside Dr.
Wheat Ridge, CO 80215

Re: Letter dated December 10, 2013

Dear Mr. Robinson,

Thank you for contacting the Colorado Department of Public Health and Environment (the Department) with your concerns regarding the Animas Mining District in San Juan County, Colorado. The Department, including the Hazardous Materials & Waste Management Division (HMWMD) and the Water Quality Control Division (WQCD), has been working closely with local stakeholders, the Environmental Protection Agency (EPA), and other federal and state agencies to characterize and address water quality issues in the Upper Animas River watershed.

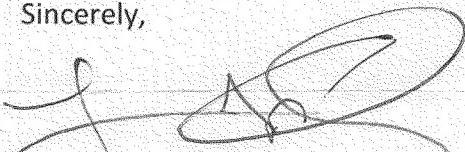
During the mid 1990s, the HMWMD worked with the Animas River Stakeholder Group (ARSG) to complete the initial characterization and assessment work in the Upper Animas Basin. Since 1994, the Water Quality Control Division has collaborated extensively with the ARSG including defining and managing total daily maximum load determinations in Cement Creek and the Animas River for numerous pollutants. More recently, both divisions have continued in their role as members of the ARSG, working with other stakeholders to characterize and remediate major sources of metals contamination in the watershed. The state has also provided \$2.5M of non-point source funding for 27 different projects to support cleanup efforts. The Department's ultimate objective for the Upper Animas River basin is to reduce metals loading and realize water quality improvements that result in increased diversity and density of aquatic life in the upper basin. The Department recognizes and commends the efforts of the local community and ARSG to date, while acknowledging that significant work is still necessary to meet that objective.

The Department has also served in a supporting role to the EPA during the process of evaluating the site for potential inclusion on the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, National Priorities List (NPL). The EPA, working with each governor, determines whether a site is placed on the NPL, and community support is a critical factor in determining whether the site should be proposed for listing. As noted in your letter, the EPA has not

pursued listing the area on the NPL. Rather, EPA has elected to continue working collaboratively with stakeholders, with the expectation that further water quality improvements can be achieved. Until a site is listed on the NPL, the HMWMD has little authority to either expend resources to conduct cleanup, or compel cleanup through a regulatory process.

The Department will continue to apply existing resources and authorities to support both the stakeholders and EPA as the parties work together to determine the best process to achieve our shared goal of improved water quality in the Animas River. My staff would be happy to meet with you to discuss the concerns raised in your December 2013 letter. For questions regarding the role of the HMWMD, please contact Doug Jamison at 303-692-3404. For questions related to the WQCD role please contact Dick Parachini at 303-692-3516.

Sincerely,



Dr. Larry Wolk
Executive Director and Chief Medical Officer

Cc: G. Baughman, HMWMD
S. Gunderson, WQCD
S. McGrath, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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FEB 10 2014

Ref: 8EPR-SR

Mr. Robert H. Robinson
4 Hillside Drive
Wheat Ridge, Colorado 80215

Re: Animas Mining District, San Juan
County, Colorado

Dear Mr. Robinson:

Thank you for your December 10, 2013, letter to me and to Dr. Larry Wolk, Executive Director and Chief Medical Officer at the Colorado Department of Public Health and Environment regarding Federal and state response activities in the upper Animas River watershed. This letter outlines a number of recent efforts the U.S. Environmental Protection Agency has undertaken directly, or is supporting, to address water quality and related issues in the watershed.

As noted in your letter, the history of mining and related activities in this area is long, extensive and complex. Correspondingly, the efforts to address the impacts of these activities have been of long duration, are diverse in nature, and have involved multiple levels and branches of government, private corporations, as well as local conservation groups. As you also noted in your letter, for a number of years, the EPA has not pursued listing the area on the National Priorities List under the Comprehensive Environmental Response, Compensation and Liability Act, commonly referred to as Superfund. This approach has been and continues to be based on a community desire that water quality in the watershed be addressed through collaborative efforts and projects designed and implemented by governmental and non-governmental entities in the watershed.

The EPA has worked closely with the primary conservation group dedicated to improving water quality in the upper Animas River watershed, the Animas River Stakeholders Group, as well as the U.S. Bureau of Land Management and the CDPHE to compile and analyze recent water quality sampling data relative to existing water quality standards for the Animas River and its tributaries. While some localized improvements in water quality have resulted from the projects implemented to date, there remain significant areas of degraded water quality, primarily with respect to cadmium, zinc and lead.

In an effort to better identify the most significant sources of this degradation, the EPA and the BLM are working with the U.S. Geological Survey to develop a reactive transport model of contaminants in the watershed. This model also will serve as a predictive tool to help identify sources that, when reduced, will result in the greatest benefit to the aquatic ecosystem. In a related effort, the EPA has started collecting data to support an ecological risk assessment of the upper Animas River and its tributaries,



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and preliminary results of this assessment indicate that some aquatic communities are impacted and that additional data are needed to further define these impacts. In addition to these long-term efforts, the EPA, through its Superfund Emergency Response Program, is investigating the feasibility of implementing source controls (i.e., hydraulic containment) at the Red and Bonita Mine, which water quality data have shown to be a significant source of metals loading into the watershed.

In an effort to inform the public and increase the transparency of the EPA's activities in the upper Animas River watershed, the EPA has conducted a series of public meetings over the past two years in cooperation with the San Juan County Commissioners, the Silverton Town Board and the ARSG. In addition, the EPA participates in the regularly scheduled meetings of the ARSG, which are open to the general public. I would encourage you to periodically check the ARSG website (www.animasriverstakeholdersgroup.org) for notifications of such future meetings and additional information about the cleanup activities throughout the watershed.

The EPA looks forward to continuing a dialogue with all the affected stakeholders regarding efforts to improve water quality in the Animas River watershed. Should you have any further questions, please contact me or Martin Hestmark, Assistant Regional Administrator for the Office of Ecosystems, Protection and Remediation at (303) 312-6776 or at hestmark.martin@epa.gov.

Sincerely,



Shaun L. McGrath
Regional Administrator

cc: Dr. Larry Wolk, CDPHE
Lori Armstrong, BLM
Peter Butler, ARSG